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EXAMINER	
BROWN, CHRISTOPHER J	

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MESSAOUD BENANTAR

Appeal 2009-001308
Application 09/821,079
Technology Center 2400

Decided:[1] July 28, 2009

Before HOWARD B. BLANKENSHIP, THU A. DANG, and
STEPHEN C. SIU, *Administrative Patent Judges*.

BLANKENSHIP, *Administrative Patent Judge*.

DECISION ON APPEAL

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[1] The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-7, 14-20, and 25-31. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Invention

Appellant's invention relates to an authentication process in a distributed data processing system. Authentication data is encrypted using a public key and an attribute certificate containing the encrypted authentication data is generated by an attribute-certificate-issuing authority. When one requires access to a controlled resource, the resource authenticates the user based on the provided authentication data. (*See* Abstract.)

Representative Claim

1. A method for an authentication process within a distributed data processing system, the method comprising:

receiving an attribute certificate from a client at a host within the distributed data processing system;

extracting encrypted authentication data from the attribute certificate, wherein the encrypted authentication data was generated by encrypting authentication data with a public key associated with the host;

decrypting the encrypted authentication data to regenerate the authentication data using a private key associated with the host; and

forwarding the authentication data to a controlled resource which authenticates the client based on the authentication data before allowing the client to access the controlled resource.

Prior Art

Perlman	5,892,828	Apr. 6, 1999
Olden	6,460,141 B1	Oct. 1, 2002
Butt	6,754,829 B1	Jun. 22, 2004
Wood	6,892,307 B1	May 10, 2005

Examiner's Rejections/Claims

Claims 1, 3-6, 14, 16-19, 25, and 27-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood and Perlman.

Claims 2, 15, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood, Perlman, and Olden.

Claims 7, 20, and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood, Perlman, and Butt.

Claims 8-13, 21-24, and 32-35 have been canceled.

Claim Groupings

Based on Appellant's arguments in the Appeal Brief, we will decide the appeal on the basis of independent claim 1 and dependent claim 4, which is separately argued. *See* 37 C.F.R. § 41.37(c)(1)(vii).

FINDINGS OF FACT

We refer to and rely on the Examiner's findings set out at pages 3 and 4 of the Answer, where the Examiner applies the teachings of Wood and Perlman to instant claim 1.

PRINCIPLES OF LAW

During prosecution before the USPTO, claims are to be given their broadest reasonable interpretation, and the scope of a claim cannot be narrowed by reading disclosed limitations into the claim. *See In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997); *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989); *In re Prater*, 415 F.2d 1393, 1404-05 (CCPA 1969).

Our reviewing court has repeatedly warned against confining the claims to specific embodiments described in the specification. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1323 (Fed. Cir. 2005) (en banc).

Nonobviousness cannot be established by attacking references individually where the rejection is based upon the teachings of a combination of references. *In re Merck & Co.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986) (citing *In re Keller*, 642 F.2d 413, 425 (CCPA 1981)).

ANALYSIS

I.

Appellant admits that Wood discloses decrypting encrypted login credentials. However, Appellant contends that Wood does not teach the "two, distinct claim requirements" of extracting encrypted authentication

data from the attribute certificate and decrypting the encrypted authentication data to regenerate the authentication data. (App. Br. 5.)

The Examiner responds (Ans. 9) that Wood teaches that the login credentials must be decrypted to be recovered. To decrypt the credentials, they must be extracted from the credentials structure; else, they could not be recovered. The Examiner finds that Wood thus teaches both extracting and decrypting. (*Id.*)

We are not persuaded of error in the Examiner's finding. Moreover, Appellant's Specification teaches (e.g., at 30:1-9) that data may be decrypted and the data of interest extracted. Claim 1 thus may be read as decrypting the encrypted authentication data *and then* extracting the encrypted authentication data. Unless the steps of a method actually recite an order, the steps are not ordinarily construed to require one. *Interactive Gift Express, Inc. v. CompuServe, Inc.*, 256 F.3d 1323, 1342 (Fed. Cir. 2001). Wood teaches decrypting encrypted authentication data and retrieving the data of interest (login credentials) that resides in the encrypted data, consistent with the requirements of instant claim 1.

II.

Appellant alleges differences between the instant invention and Perlman (App. Br. 5-6), which are not in dispute. Appellant concludes that a prima facie case of obviousness has not been established because neither Perlman nor Wood discloses or suggests "a host that forwards the authentication data to a controlled resource which authenticates the client

based on the authentication data before allowing the client to access the controlled resource." (*Id.* at 6.)

Appellant's argument with respect to a "host" forwarding the authentication data is not commensurate with the scope of instant claim 1. The claim is silent with respect to what may effect the "forwarding" of the authentication data to a controlled resource. We thus find Appellant's position to be untenable.

III.

Appellant submits new arguments and new evidence in the Reply Brief. The new evidence has not been properly submitted (*see* 37 C.F.R. §§ 41.33 and 41.41). The new arguments are untimely, as they could have been presented in the Appeal Brief such that we would have had benefit of the Examiner's response to the new arguments. A reply brief is properly used to respond to new points of argument raised by the Examiner in the examiner's answer, not as a way to present new arguments. *See Optivus Tech., Inc. v. Ion Beam Applications S.A.*, 469 F.3d 978, 989 (Fed. Cir. 2006) (an issue not raised in an opening brief is waived).

In any event, Appellant now seems to argue that the claimed "attribute certificate" is limited to a particular embodiment of "attribute certificate" described in the Specification, while Wood teaches a "public key certificate" (PKC) process. (Reply Br. 1-2.)

We do not find the new arguments persuasive. We decline to read a particular type of "attribute certificate" into instant claim 1. We also note that claim 7, which depends from claim 1, specifies the type of "attribute

certificate." The Examiner has rejected claim 7 over a different ground of rejection, relying on Butt in teaching the specifics of claim 7. Further, Appellant has not pointed out where Wood might refer to credentials structure 410 (Fig. 4) as a "PKC," or otherwise refers to a "PKC" process.

IV.

Claim 4, depending from claim 1, recites authenticating the client for access to the controlled resource based on the authentication data. Appellant contends that Perlman contains no reference to authenticating the client based on the "authentication data" that was extracted and encrypted as claimed. (App. Br. 6.)

The rejection of claim 1 and claim 4, however, does not rely on Perlman for teaching the "authentication data" itself, but for forwarding authentication data to a controlled resource for access to the controlled resource based on the authentication data. (*See* Ans. 3-4, 9-10.) Appellant's argument does not speak to the combined teachings of the references. *See In re Merck & Co.*, 800 F.2d at 1097. We are thus not persuaded of error in the rejection of claim 4.

V.

For the foregoing reasons we are not persuaded of error in the rejection of any claim on appeal. We sustain the Examiner's rejections under § 103(a).

DECISION

The rejection of claims 1, 3-6, 14, 16-19, 25, and 27-30 under 35 U.S.C. § 103(a) as being unpatentable over Wood and Perlman is affirmed.

The rejection of claims 2, 15, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Wood, Perlman, and Olden is affirmed.

The rejection of claims 7, 20, and 31 under 35 U.S.C. § 103(a) as being unpatentable over Wood, Perlman, and Butt is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED

msc

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